

WEDNESDAY, NOVEMBER 10, 1999

SIXTH LEGISLATIVE DAY

SECOND EXTRAORDINARY SESSION

The House met at 12:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bittle; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 12: Rep(s). Caldwell and Hargrove as prime sponsor(s).

House Joint Resolution No. 13: Rep(s). Garrett as prime sponsor(s).

MESSAGE FROM THE GOVERNOR
November 10, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 2, 4, 5 and 6, with his approval.

MICHELLE LONG, Counsel to the Governor.

ENROLLED BILLS
November 10, 1999

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 1 and 2; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
November 10, 1999

The Speaker signed the following: House Resolution(s) No(s). 1 and 2.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
November 10, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 1 and 4.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for November 15, 1999:

House Resolution No. 3 -- Memorials, Death - James L. Dalton, Sr. by *Roach.

House Joint Resolution No. 24 -- Memorials, Sports - White House High School girls' soccer team. by *McDonald, *Black.

House Joint Resolution No. 26 -- Memorials, Public Service - Bruce Daniel Carter, 1999 Huntingdon Outstanding Citizen Award. by *Maddox, *Phelan.

House Joint Resolution No. 27 -- Memorials, Personal Occasion - W.C. Handy, 126th birthday celebration. by *DeBerry L, *Cooper B, *Bowers, *Turner (Shelby), *DeBerry J, *Chumney.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 32 -- Taxes, Excise - Creates franchise and excise tax exemption for family-owned LLC, LP or LLP engaged primarily in farming or holding one or more personal residences. - Amends TCA Title 67, Chapter 4. by *Patton. (*SB12 by *Crowe, *Fowler)

House Bill No. 33 -- Taxes, Excise - Creates franchise and excise tax exemption for family owned non-corporate entities used to produce passive investment income. - Amends TCA Title 67, Chapter 4. by *Patton. (*SB13 by *Crowe)

House Bill No. 34 -- Taxes, Franchise - Redefines "net earnings" and "net loss" for certain entities for franchise tax purposes to include earnings that do not accrue to such corporations but are taxed to entities which receive them. - Amends TCA Title 67. by *McDaniel, *Garrett. (*SB31 by *McNally, *Cohen)

House Bill No. 35 -- Taxes, Privilege - Directs commissioner of revenue to collect taxes on gross profits and shares of investment companies whose owners do not live in county where investment company located. - Amends TCA Title 56, Chapter 4 and Title 67, Chapter 5. by *Fitzhugh, *Scroggs. (*SB30 by *McNally, *Cohen)

***House Bill No. 36** -- Education, Higher - Prohibits higher education administrators from receiving salary increases until all higher education faculty are paid at southeastern regional average. - Amends TCA Title 49, Chapters 7, 8, and 9. by *Windle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 10** -- Taxes, Real Property -- House State and Local Government Committee

House Bill No. 11 -- Taxes -- House Finance, Ways and Means Committee

***House Bill No. 12** -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 13 -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 14 -- Taxes, Sales -- House Finance, Ways and Means Committee

***House Bill No. 15** -- Taxes -- House State and Local Government Committee

House Bill No. 16 -- Budget Procedures -- House State and Local Government Committee

House Bill No. 17 -- Taxes, Franchise -- House Commerce Committee

House Bill No. 18 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 19 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 20 -- Taxes -- House Commerce Committee

House Bill No. 21 -- Appropriations -- House Health and Human Resources Committee

House Bill No. 22 -- Taxes -- House Commerce Committee

House Bill No. 23 -- Taxes -- House Commerce Committee

House Bill No. 24 -- Taxes -- House Commerce Committee

House Bill No. 25 -- Fees -- House Commerce Committee

House Bill No. 26 -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 27 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 28 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 29 -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 30 -- Taxes, Income -- House Finance, Ways and Means Committee

House Bill No. 31 -- Taxes, Income -- House Finance, Ways and Means Committee

CONSENT CALENDAR

House Joint Resolution No. 12 -- Memorials, Retirement - Dr. Gerald Stowe, President/Treasurer of Tennessee Baptist Children's Homes. by *Fowlkes.

House Joint Resolution No. 13 -- Memorials, Professional Achievement - Mahailiah Hughes, Sumner County Criminal Court Clerk, "Outstanding Court Clerk of Tennessee.". by *Black, *McDonald.

House Joint Resolution No. 14 -- Memorials, Public Service - Peggy Houston. by *Walker (Rhea), *Curtiss.

House Joint Resolution No. 15 -- Memorials, Personal Achievement - Ricardo "Ricky" Marrero, Eagle Scout. by *Buttry.

House Joint Resolution No. 16 -- Memorials, Personal Achievement - Rob Huffaker, Eagle Scout. by *Buttry.

House Joint Resolution No. 17 -- Memorials, Personal Achievement - Todd W. Miller, Eagle Scout. by *Buttry.

House Joint Resolution No. 18 -- Memorials, Personal Achievement - John Burnette "Jay" Hollinsworth, Eagle Scout. by *Buttry.

House Joint Resolution No. 19 -- Memorials, Personal Achievement - Richard S. Rasmussen, Eagle Scout. by *Buttry.

House Joint Resolution No. 20 -- Memorials, Personal Achievement - Thomas M. "Matt" Vann, Eagle Scout. by *Buttry.

House Joint Resolution No. 21 -- Memorials, Personal Achievement - Trey Nennstiel, Eagle Scout. by *Buttry.

House Joint Resolution No. 22 -- Memorials, Personal Achievement - Keith McMillan, Eagle Scout. by *Buttry.

Senate Joint Resolution No. 5 -- Memorials, Recognition - New Sardis Missionary Baptist Church, 125th Anniversary. by *Dixon.

Senate Joint Resolution No. 7 -- Memorials, Death - Marian Douglas (Doug) Brown Kirby. by *Graves.

Senate Joint Resolution No. 10 -- Memorials, Sports - 1998-1999 Soddy-Daisy Lady Trojan softball team, TSSAA Class AAA state champions. by *Crutchfield.

Rep. L. DeBerry moved that all members of the Shelby County delegation voting aye be added as sponsors to Senate Joint Resolution No. 5, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 6 out of order, which motion prevailed.

Senate Joint Resolution No. 6 -- General Assembly, Recess&Reconvene - Provides for recess in proceedings of Senate at close of business on November 10, 1999; reconvenes on November 15, 1999 at 5:00 p.m. (CST). by *Crutchfield.

On motion, Senate Joint Resolution No. 6 was moved down one place.

RULES SUSPENDED

Rep. Brooks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 23 out of order, which motion prevailed.

House Joint Resolution No. 23 -- Memorials, Personal Occasion - Greater Imani Church & Christian Center, Tenth Anniversary. by *Brooks, *Towns, *Armstrong, *Brown.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Brooks, with the request that all members of the Shelby County delegation voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

Senate Joint Resolution

Senate Joint Resolution No. 6 -- General Assembly, Recess&Reconvene - Provides for recess in proceedings of Senate at close of business on November 10, 1999; reconvenes on November 15, 1999 at 5:00 p.m. (CST). by *Crutchfield.

Further consideration of Senate Joint Resolution 6, previously considered today, at which time Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 6 out of order, which motion prevailed.

Rep. Hargrove moved that Senate Joint Resolution No. 6 be concurred in.

Rep. Hargrove moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hargrove moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Joint Resolution No. 6 by deleting all language of the Resolution and by substituting instead the following:

A RESOLUTION to provide for a recess in the proceedings of the One Hundred First General Assembly.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Senate and the House of Representatives stand in recess at the close of business on Wednesday, November 10, 1999, and reconvene on Monday, November 15, 1999, at 5:00 p.m. (CST).

BE IT FURTHER RESOLVED, That pursuant to the Constitution of Tennessee, Article II, Section 16, the House of Representatives, by its concurrence in this resolution, consents to this recess.

On motion, Amendment No. 2 was adopted.

On motion of Rep. Hargrove, and seconded by Rep. McDaniel, Senate Joint Resolution No. 6, as amended, was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Fowlkes moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 25 out of order, which motion prevailed.

House Joint Resolution No. 25 -- Memorials, Personal Occasion - Mr. and Mrs. Richard Stockman. by *Fowlkes.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fowlkes, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

ENGROSSED BILLS
November 10, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 23.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
November 10, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 25.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
November 10, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 5, 6, 7 and 10; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
November 10, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 5, 6, 7 and 10.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

Rep. Hargrove moved that, pursuant to Senate Joint Resolution No. 6, as amended, the House stand in recess until 5:00 p.m., Monday, November 15, 1999.